



April 28, 2016

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 10-90 Challenge to A-CAM V2.2 Competitive Coverage Data

Dear Ms. Dortch:

On April 7, 2016 the Wireline Competition Bureau (Bureau) announced the release of a new version of the Alternative Connect America Cost Model (A-CAM) and invited providers to review information about their FCC Form 477 June 2015 data for use in updating the competitive coverage data contained in the A-CAM.

Attached, please find Nicholville Telephone Company's comments and respective supporting documentation in challenging the competitive coverage contained in the A-CAM.

Respectively yours,

A handwritten signature in black ink, reading "Jeffrey S. McGrath". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey S. McGrath
Vice President/Regulatory

Attachments

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Challenge Process to Competitive Coverage)	
in the Alternative Connect America Cost)	
Model (A-CAM))	

**COMMENTS
OF
NICHOLVILLE TELEPHONE COMPANY, INC.**

Nicholville Telephone Company, Inc. (NTC) under SAC 150108 hereby submits the following challenge regarding certain census blocks in its New York State study area being designated as *wired-served* in v2.2 of the Alternative Connect America Cost Model (A-CAM). These errors in the A-CAM model significantly reduce NTC's potential model-based support.

A review of the June 30, 2015 FCC Form 477 data identified several unsubsidized competitive providers claiming to provide broadband service at 10Mbps down/1Mbps up or higher in a number of contested census blocks.

Below, are the census blocks in question for which NTC seeks to contest the existence of "qualified" unsubsidized competitors as identified in the Form 477 data. Subsequent to the list of census blocks is a narrative on the unsubsidized competitors demonstrating how they do not offer service in the blocks being challenged.

Contested Census Block	Unsubsidized Competitor(s) Identified in June 2015 Form 477 Data
360894907003018	Time Warner Cable Slic Network Solutions, Inc.
360894907004022	Time Warner Cable
360894924001043	Time Warner Cable Slic Network Solutions, Inc.
360894924002042	Time Warner Cable
360894924003018	Time Warner Cable Slic Network Solutions, Inc.

Time Warner Cable

Time Warner Cable (TWC) does not offer any service to any of the locations contained in the five census blocks being contested. These census blocks are very rural and contain a total of 72 locations.

To confirm service is not available by TWC in these census blocks, we had one of our Installation and Repair (I&R) employees (who is also an ex-TWC I&R employee), ride out entirely each contested block only to discover that TWC has no facilities throughout any of these areas. In addition, we went through all location address ranges found in each of these five census blocks and submitted them to TWC using their online tool to determine if service was available or not. Each of the addresses entered online either indicated "... address may not be serviceable by Time Warner Cable" (see screen captures in attachment A), or it was not found in TWC's system. Finally, a follow-up chat call was made with TWC just to confirm that any of these "may not be serviceable" addresses are indeed not serviceable by TWC. TWC's chat response indicated "the address you have provided ... is presently not in our system as of this moment" (see attachment B).

Slc Network Solutions, Inc.

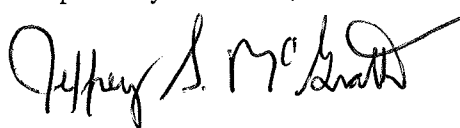
Slc Network Solutions, Inc. (SLIC) is a wholly owned CLEC subsidiary of Nicholville Telephone Company.

SLIC does not offer any service to any of the locations contained in the three census blocks being contested. These blocks are very rural and contain a total of 13 locations.

Upon further investigation by NTC it was discovered no SLIC facilities actually exist in these three contested blocks. It should also be mentioned that SLIC's census block data submitted to the FCC for June 30, 2015 was provided through the State Broadband Mapping Initiative for New York State, where it is suspected geocoding issues on SLIC's address file may have been the cause for these discrepancies as evidenced by some of the incorrectly identified census blocks originally submitted to the FCC. An affidavit has been provided on behalf of SLIC indicating they do not serve in these three contested blocks (see attachment C).

For the reasons above, Nicholville Telephone Company, Inc. respectfully requests, pursuant to the *Public Notice* and paragraph 71 of the *USF Reform Order*, that the Commission find the evidence submitted herein to be sufficient to correct the status of the contested census blocks from served to unserved, therefore, making these five census blocks eligible for funding under the model-based support as provided for in the Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey S. McGrath". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeffrey S. McGrath
Vice President
Nicholville Telephone Company, Inc.

Attachments

ATTACHMENT A



Check Availability

New Customers

Current Customers

Enter your address below to see the offers available in your area.

Need help? Check out our [address tips](#). To order by phone, call 1-855-856-8015.

Having problems logging in? Please disable your browser's adblock plugin.

Street Address:

280 County Route 51

Apartment (optional):

ZIP Code:

13697

Submit

☒ Remember my location | [What's This?](#)

ATTACHMENT A (CONT'D)



Call to Order
1-855-856-8015



Cart



Your address may not be serviceable by Time Warner Cable. Please call us at 1-855-856-8015. Note that your order is not guaranteed until you have received confirmation on installation.

Select A Package

Pick Your Plans

Select and Compare Services



TV



Internet



Phone



All Packages

Most Popular

Compare

Internet

Standard
Speeds up to 15Mbps

\$34⁹⁹
per month for
12 months

was
~~\$39⁹⁹~~

Online only price!
Free self-install kit

View Details ▾

Order Now >

Compare

TV, Internet

20+ Channels – View List
Speeds up to 15Mbps

\$44⁹⁹
per month for
12 months

View Details ▾

Order Now >

Compare

TV, Internet, Phone

200+ Channels – View List
Speeds up to 30Mbps
Phone w/Voicemail

\$89⁹⁹
per month for
12 months

Includes ePIX and a set-top box.
Free Installation!

View Details ▾

Order Now >

ATTACHMENT B

REDACTED – FOR PUBLIC INSPECTION

From: **Time Warner Cable** <chattranscripts@twcable.com>
Date: Thu, Apr 28, 2016 at 4:07 PM
Subject: Transcript of your chat
To: [REDACTED] <[REDACTED]@twcable.com>

General Info	
Chat start time	Apr 28, 2016 3:49:37 PM EST
Chat end time	Apr 28, 2016 4:07:51 PM EST
Duration (actual chatting time)	00:18:13
Operator	[REDACTED]
Chat Transcript	
info: Thank you for contacting Time Warner Cable. A representative will be with you shortly.	
info: You are now chatting with [REDACTED]	
info: ** Please do not share credit card information in this window. If credit card information is required, the agent will push a separate and secure form to you. **	
[REDACTED]: Thank you for contacting Time Warner Cable Online Sales, home of the best Triple-Play offer. My name is [REDACTED], how can I help you today?	
[REDACTED]: I want to know if this address is able to have service I just moved into the area. 280 County Route 51 Winthrop, NY 13697	
[REDACTED]: Hello there [REDACTED]!	
[REDACTED]: I hope you are having an awesome afternoon!	
[REDACTED]: It would be my pleasure to assist you with checking if we service the area !	
[REDACTED]: Give me a minute here to check on the address, I will be back shortly! And in the meantime, may I know how have you been doing today? :)	
[REDACTED]: Thank you I would appreciate it!	
[REDACTED]: I am good! Hope you are as well.	
[REDACTED]: I am very glad to hear that, I hope I can make your day better! :)	
[REDACTED]: A few more minutes please, thank you.	
[REDACTED]: Thanks!	
[REDACTED]: You are most welcome!	

[REDACTED]: And by the way, what services are you interested with setting up on your new place?

[REDACTED]: triple play

.: Fantastic!

.: And do you already have a package in mind?

[REDACTED]: No, I want to know if I service is available first before making any decisions

[REDACTED]: Noted.

[REDACTED]: A few more minutes please, thank you.

[REDACTED]: Ok, thank you!

.: I am sorry for the delay. I will be right with you.

.: Ok

.: Thank you for waiting!

[REDACTED]: Upon doing a review on the address you have provided, it seems that it is presently not in our system as of this moment. But don't you worry, we do actually have a process here that better determines your specific address for its serviceability which we call a Site Survey. It entails a process of our technician physically investigating if we can extend the services in your address (eg. checking the distance from the nearest service pole). We'll get an update on this as early as within 24 hours. And once we have good feedback from this request, We'll contact you through email or phone to finalize your order and inform you of any additional charges so that you can change or even cancel the service request.

[REDACTED]: I appreciate your time and I have a few other opportunities so if I decide to pursue TWC I will call back in for the next steps. Thank you again for your time today!

[REDACTED]: You are most welcome [REDACTED]!

...

ATTACHMENT C

Affidavit of Phillip J. Wagschal On Behalf of Slic Network Solutions, Inc.

STATE OF NEW YORK
COUNTY OF ST LAWRENCE COUNTY

The undersigned, PHILLIP J. WAGSCHAL, being duly sworn, hereby deposes and says:

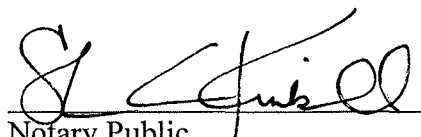
1. I am over the age of 18 and am a resident of the State of New York. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. I am President and CTO of Slic Network Solutions, Inc. (Slic), which is located at 3330 State Highway 11B, Nicholville, NY 12965.
4. I have reviewed census blocks 360894907003018, 360894924003018 and 360894924001043 and have determined these blocks are not served by Slic nor does Slic have any facilities within these blocks.
5. I have confirmed the data provided to the FCC for the June 2015 Form 477 for Slic did show some incorrectly identified census blocks as being served by Slic, where such data was provided to Slic through the State Broadband Mapping Initiative for New York State, where geocoding issues may have been the cause as evidenced in this data submitted earlier to the FCC.
6. I confirm that Slic does not compete with Nicholville Telephone Company, Inc. within the aforementioned census blocks.

Executed this 28th day of April, 2016.


Phillip J. Wagschal

NOTARY ACKNOWLEDGEMENT

Sworn to before me this 28th day of April, 2016.


Notary Public

My commission expires _____

SHARON A. KIMBALL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01K16264364
Qualified in St. Lawrence County
Commission Expires June 25, 2016